

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-34090-2018
Date of decision: 29.10.2018

Sukhdev Singh Malik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Mandeep Malik, Advocate,
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

Mr. Vishal Aggarwal, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner herein in case FIR No. 167 dated 14.11.2017 under Sections 120-B, 312, 354-C, 376(D), 384, 420, 467, 468, 471, 506 IPC and Section 10 of POCSO Act, registered at Women Police Station, Ambala, who has been in custody since 12.01.2018.

Learned counsel for the petitioner contends that matter has already been investigated thoroughly and a cancellation report has been

prepared while also arguing that the co-accused in the said FIR have already been discharged by order dated 13.09.2018.

Learned counsel appearing on behalf of the respondent-State confirms the factum that matter has thoroughly been investigated and a cancellation report has been filed. Learned State counsel also submits that the remedy available to the complainant would be to appear before the Magistrate and challenge the said cancellation report.

Learned counsel appearing on behalf of the respondent-complainant submits that there are serious allegations and there is an active connivance between the police officials and the accused in preparation of the said cancellation report while submitting that he has already filed a petition (CRM-M-7664-2018) for a fair investigation in the said matter. It is also argued that discharge application that had been filed by the petitioner herein stood dismissed.

I have heard learned counsel for the parties and have perused the pleadings of the case.

At the present moment, taking note of the fact that investigation in the matter is complete; co-accused Sandeep has been discharged; and the cancellation report has been filed, this Court prima facie is of the opinion that further custody of the petitioner is not required. Without expressing any opinion on merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

Before parting with this order, it is made clear that in case cancellation report has not been accepted, the complainant is at liberty to move an application for cancellation of regular bail which would be considered in accordance with law.

29.10.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.